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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/672,090	09/26/2003	Richard L. Dubay	D398.12-0002	7056
164	7590	02/22/2006	EXAMINER	
KINNEY & LANGE, P.A. THE KINNEY & LANGE BUILDING 312 SOUTH THIRD STREET MINNEAPOLIS, MN 55415-1002			RAO, G NAGESH	
			ART UNIT	PAPER NUMBER
			1722	

DATE MAILED: 02/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/672,090

Applicant(s)

DUBAY, RICHARD L.

Examiner

G. Nagesh Rao

Art Unit

1722

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 21 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

1) Claims 1-13 rejected under 35 U.S.C. 103(a) as being unpatentable over Muramatsu (US Patent No. 5,913,355) in view of Hodler (US Patent No. 4,027,726).

Muramatsu 355 teaches a mold-block capable of being used as a gas-purging block (See Figure 4) for use with injection molding and die casting systems, the block system comprising, a first-side block having a first-side inner surface, a pair of first-side channels (6) extending through the first-side block parallel to the first-

side inner surface, and adapted to selectively function as conduits for cooling fluid and a second block having a second-side inner surface adapted to engage with the first-side inner surface to define a gas passageway (2) (Also See Col 3 Lines 41-50). Muramatsu 355 as well teaches the side blocks being made of a heat exchanging material to allow for appropriate cooling of the material flown through, that being included of a beryllium alloy mix (See Col 4-5 Lines 1-68). Furthermore it is interpreted by the examiner that the first side block would read on as a form of an ejector side block coupled with a stationary side block being interpreted as the second block having a second-inner surface, whereby these blocks would remain parallel to each other and coupled to one another along with being coupled to a die-casting or injection machine.

However Muramatsu 355 does teach that this gas-purging block would need to be coupled with the die-casting or injection machine it fails to teach the use of mounting bores for mounting the first-side block to a first holder block.

In a device related to gas-purging blocks for die-casting, Hodler 726 teaches a similar type of gas venting block where a first-side block has mounting means to aid in mounting the block to a die casting machine or a device of the like to enable the devices being coupled to each other (See Figures 2-3 and Col 2 Lines 1-68).

It would be obvious at the time of the invention to one with skill in the art to modify the teachings of Muramatsu 355 with that of Hodler 726 to allow for the gas purging block to be coupled to the die-casting machine or injection molder to aid as gas venting means.

2) Claims 14-20 rejected under 35 U.S.C. 103(a) as being unpatentable over Muramatsu (US Patent No. 5,913,355) in view of Hodler (US Patent No. 4,027,726) in further view of DiSimone (US Patent No. 5,012,568).

From the aforementioned the hypothetical devices as taught by Muramatsu 355 and Hodler 726 teach a gas-purging block system capable of being used in die-casting or injection molding systems that read on applicant's claimed invention.

However the hypothetical device as taught by the aforementioned combined references fail to teach key/slot arrangement means for aligning the purging blocks to one another and to their base supports.

In a device related to injection molding, DiSimone 568 teaches about the use of a novel key/slot arrangement for facilitating installation and removal of a central mold portion.

It would be obvious at the time of the invention to one with skill in the art to implement such a feature to insure a proper positioning of the mold elements at all times (See Abstract and Cols 1-3 Lines 1-68).

### *Response to Arguments*

3) Applicant's arguments filed 12/21/05 have been fully considered but they are not persuasive. Examiner notes to applicant that Muramatsu specifically teaches and as shown in Figure 4 and described in the specification that there are two separate blocks one containing cooling tubes and the other containing the gas passageway. Structurally speaking what applicants have claimed does not differ from the prior art cited using Muramatsu 355, and further substantiated with combination of art taught by Muramatsu 355 and Hodler 726 which is in the related art of gas-purging blocks as taught by Muramatsu 355 and thus provides an obvious reason why one would want to incorporate mounting bores technology in order to actually mount or affix the block to a die-casting or injection molding machine, so the block can be used effectively. Lastly the key-slot arrangement for the purging block device is a well known component used in apparatuses for facilitating an alignment and enabling a lock and release mechanism for the blocks when put together or removed. Thus DiSimone 568 from a related art of

apparatuses further substantiates the obviousness of implementing a design construct onto the set of blocks of Muramatsu 355.

### ***Conclusion***

4) **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to G. Nagesh Rao whose telephone number is (571) 272-2946. The examiner can normally be reached on 9AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on (571) 272-1166. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

GNR



ROBERT DAVIS  
PRIMARY EXAMINER  
GROUP 1300-1200

2/21/04